

For Registry of Deeds Use Only



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area Delineation

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

315-1217

MassDEP File Number

eDEP Transaction Number

Walpole

City/Town

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: 1. Conservation Commission

2. This Issuance is for (check one):

a. Order of Resource Area Delineation

b. Amended Order of Resource Area Delineation

3. Applicant:

John

a. First Name

Hasenjaeger

b. Last Name

c. Organization

23 Pinnacle Drive

d. Mailing Address

Walpole

e. City/Town

MA

f. State

02032

g. Zip Code

4. Property Owner (if different from applicant):

same

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Pinnacle Drive

a. Street Address

Walpole

b. City/Town

02081

c. Zip Code

18

d. Assessors Map/Plat Number

183

e. Parcel/Lot Number

Latitude and Longitude

(in degrees, minutes, seconds):

42d160m582s

f. Latitude

-71d222m624s

g. Longitude

6. Dates:

12/30/2019

a. Date ANRAD filed

9/9/2020

b. Date Public Hearing Closed

9/14/2020

c. Date of Issuance



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A. General Information (cont.)

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

#9 Pinnacle Drive ANRAD Plan in Walpole, MA	9/9/2020
a. Title	b. Date
PARE lette	8/19/2020
c. Title	d. Date

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. BVW A-1 through A-40, A-100-102, A200-203. B-1 through B-13; CH-1 to CH-8 edge of drainage channel

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. _____

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

P-series P-1 through P32 and P-100 through P106 to be an inaccurate delineation of bank of Bird Pond and found the accurate determination to be bank of river (mean annual high water) of the Neponset River therefore having a riverfront boundary.



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B. Order of Delineation (cont.)

3. The boundaries were determined to be inaccurate because:

1)The Commission asserts that they determined that the waterbody had "primarily riverine characteristics" as the Neponset River with a river front area back in 1998 when an OOC was issued under DEP#315-579 and upheld by SOC 9/17/1998. As well as OOC issued under DEP #315-716. 2)10.58(2)(e) the entire length of the Neponset River is a river.and 3) unidirectional flow visually observed. 4) The Commission did not find that the Applicant over came the historic precedence of previous OOCs.

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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E. Signatures

9/14/2020
Date of Issuance
6
1. Number of Signers

Please indicate the number of members who will sign this form.

**Signatures

Jack Wiley (digital)
Signature of Conservation Commission Member
Al Goetz (digital)
Signature of Conservation Commission Member
Emidio Di Virgillio (digital)
Signature of Conservation Commission Member
Doug Burchesky (digital)
Signature of Conservation Commission Member
Betsey Dyer (digital)
Signature of Conservation Commission Member
Bailey Ziemba (digital)
Signature of Conservation Commission Member
Signature of Conservation Commission Member
Signature of Conservation Agent

Jack Wiley
Printed Name
Al Goetz
Printed Name
Emidio DiVirgillio
Printed Name
Doug Burchesky
Printed Name
Printed Name
Bailey Ziemba
Printed Name
Printed Name
***Landis E. Hershey
Printed Name

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

- 2. [] By hand delivery on
3. [x] By certified mail, return receipt requested on

a. Date
9/14/2020
a. Date

**Pursuant to the vote taken by the Walpole Conservation Commission on May 6, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Commission's electronic signature authorization vote recorded on May 18, 2020 with the Norfolk Registry of Deeds / Norfolk Registry District of the Land Court in BOOK 37884 and PAGE 386 or as Document # 45327."

*** Duly authorized to sign for Conservation Commission, Norfolk Registry of Deeds Certificate of Vote Book 37967and Page 2



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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

 Provided by DEP

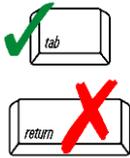
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



2. Person or party making request (if appropriate, name the citizen group's representative):

 Name

 Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

 Name

 Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062
 Boston, MA 02211



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee

Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



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Recording Information

Prior to commencement of work, this Order of Resource Area Delineation must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Resource Area Delineation. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Resource Area Delineation for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

For: _____
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Resource Area Delineation issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant